

AMENDMENTS TO LB 298

1 1. Strike original section 2 and insert the following
2 new sections:

3 "Section 1. Section 13-609, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 13-609. (1) Any county treasurer, county official, or
6 political subdivision official may accept credit cards, charge
7 cards, or debit cards, whether presented in person or
8 electronically, or electronic funds transfers as a method of cash
9 payment of any tax, levy, excise, duty, custom, toll, interest,
10 penalty, fine, license, fee, or assessment of whatever kind or
11 nature, whether general or special, as provided by section 77-1702.

12 (2) The total amount of such taxes, levies, excises,
13 duties, customs, tolls, interest, penalties, fines, licenses, fees,
14 or assessments of whatever kind or nature, whether general or
15 special, paid for by credit card, charge card, debit card, or
16 electronic funds transfer shall be collected by the county
17 treasurer, county official, or political subdivision official.

18 (3) Any political subdivision operating a facility in a
19 proprietary capacity may choose to accept credit cards, charge
20 cards, or debit cards, whether presented in person or
21 electronically, or electronic funds transfers as a means of cash
22 payment and may adjust the price for services to reflect the
23 handling and payment costs.

24 (4) The county treasurer, county official, or political

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1 subdivision official shall obtain, for each transaction,
2 authorization for use of any credit card, charge card, or debit
3 card used pursuant to this section from the financial institution,
4 vending service company, credit card or charge card company, or
5 third-party merchant bank providing such service.

6 (5) The types of credit cards, charge cards, or debit
7 cards accepted and the payment services provided shall be
8 determined by the State Treasurer and the Director of
9 Administrative Services with the advice of a committee convened by
10 the State Treasurer and the director. The committee shall consist
11 of the State Treasurer, the Tax Commissioner, the director, and
12 representatives from counties, cities, and other political
13 subdivisions as may be appropriate. The committee shall develop
14 recommendations for the contracting of such services. The State
15 Treasurer and the director shall contract with one or more credit
16 card, charge card, or debit card companies or third-party merchant
17 banks for services on behalf of the state and those counties,
18 cities, and political subdivisions that choose to participate in
19 the state contract for such services. The State Treasurer and the
20 director shall consider, for purposes of this section, any
21 negotiated discount, processing, or transaction fee imposed by a
22 credit card, charge card, or debit card company or third-party
23 merchant bank as an administrative expense. Counties, cities, and
24 other political subdivisions that choose not to participate in the
25 state contract may choose types of credit cards, charge cards, and
26 debit cards and may negotiate and contract independently or
27 collectively as a governmental entity with one or more financial

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1 institutions, vending service companies, credit card, charge card,
2 or debit card companies, or third-party merchant banks for the
3 provision of such services. All county officials within each
4 county choosing to accept credit cards, charge cards, and debit
5 cards shall contract for services through the same financial
6 institutions, vending service companies, credit card, charge card,
7 or debit card companies, or third-party merchant banks for the
8 provision of such services. County officials ~~which~~ who accept
9 credit cards, charge cards, and debit cards shall notify the county
10 board of such decision and the discount or administrative fees
11 charged for such service.

12 (6) A county treasurer, county official, or political
13 subdivision official authorizing acceptance of credit card or
14 charge card payments shall be authorized but not required to impose
15 a surcharge or convenience fee upon the person making a payment by
16 credit card or charge card so as to wholly or partially offset the
17 amount of any discount or administrative fees charged to the
18 political subdivision, but the surcharge or convenience fee shall
19 not exceed the surcharge or convenience fee imposed by the credit
20 card or charge card companies or third-party merchant banks which
21 have contracted under subsection (5) of this section. The
22 surcharge or convenience fee shall be applied only when allowed by
23 the operating rules and regulations of the credit card or charge
24 card involved or when authorized in writing by the credit card or
25 charge card company involved. When a person elects to make a
26 payment to a political subdivision by credit card or charge card
27 and such a surcharge or convenience fee is imposed, the payment of

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1 such surcharge or convenience fee shall be deemed voluntary by such
2 person and shall be in no case refundable. If a payment is made
3 electronically by credit card, charge card, debit card, or
4 electronic funds transfer as part of a system for providing or
5 retrieving information electronically, the county treasurer, county
6 official, or political subdivision official shall be authorized but
7 not required to impose an additional surcharge or convenience fee
8 upon the person making a payment.

9 (7) For purposes of this section, electronic funds
10 transfer means the movement of funds by nonpaper means, usually
11 through a payment system, including, but not limited to, an
12 automated clearinghouse or the Federal Reserve's Fedwire system.

13 Sec. 3. Section 60-302, Revised Statutes Supplement,
14 2001, is amended to read:

15 60-302. (1) No motor vehicle, trailer, semitrailer, or
16 cabin trailer, unless otherwise expressly provided, shall be
17 operated or parked on the highways of this state unless the vehicle
18 is registered in accordance with Chapter 60, article 3. There
19 shall be a rebuttable presumption that any vehicle stored and kept
20 more than thirty days in the state is being operated or parked on
21 the highways of this state and shall be registered in accordance
22 with Chapter 60, article 3, from the date of title of the motor
23 vehicle or, if no transfer in ownership of the motor vehicle has
24 occurred, from the expiration of the last registration period for
25 which the motor vehicle was registered. Every owner of a vehicle
26 required to be registered shall make application for registration
27 to the county treasurer of the county in which the vehicle has

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1 situs as defined in section 60-3001. The application shall be a
2 copy of a certificate of title or, in the case of a renewal of a
3 registration, the application shall be the previous registration
4 period's certificate. A salvage certificate of title as defined in
5 section 60-129 and a nontransferable certificate of title provided
6 for in section 60-131 shall not be valid for registration purposes.

7 (2) An application for registration of a motor vehicle
8 shall be accompanied by proof of financial responsibility or
9 evidence of insurance covering the motor vehicle. Proof of
10 financial responsibility shall be evidenced by a copy of proof of
11 financial responsibility filed pursuant to subdivision (2), (3), or
12 (4) of section 60-528 bearing the seal of the Department of Motor
13 Vehicles. Evidence of insurance shall give the effective dates of
14 the automobile liability policy, which dates shall be evidence that
15 the coverage is in effect on and following the date of
16 registration, and shall designate, by explicit description or by
17 appropriate reference, all motor vehicles covered. Evidence of
18 insurance in the form of a certificate of insurance for fleet
19 vehicles may include, as an appropriate reference, a designation
20 that the insurance coverage is applicable to all vehicles owned by
21 the named insured, or wording of similar effect, in lieu of an
22 explicit description.

23 (3) Any nonresident owner who desires to register a
24 vehicle or vehicles in this state shall register in the county
25 where the vehicle is domiciled or where the owner conducts a bona
26 fide business.

27 (4) Each new application shall contain, in addition to

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1 other information as may be required by the department, the name
2 and post office address of the applicant and a description of the
3 vehicle, including the color, the manufacturer, the identification
4 number, and the weight of the vehicle required by Chapter 60,
5 article 3. With the application the applicant shall pay the proper
6 registration fee as provided in sections 60-305.08 to 60-339 and
7 shall state whether the vehicle is propelled by alternative fuel as
8 defined in section 66-686 and, if alternative fuel, the type of
9 fuel. The form shall also contain a notice that bulk fuel
10 purchasers may be subject to federal excise tax liability. The
11 department shall prescribe a form, containing the notice, for
12 supplying the information for vehicles to be registered. The
13 county treasurer shall include the form in each mailing made
14 pursuant to section 60-3003. The county treasurer or his or her
15 agent shall notify the Motor Fuel Tax Enforcement and Collection
16 Division of the Department of Revenue whenever a vehicle powered by
17 an alternative fuel as defined in section 66-686 is registered.
18 The notification shall include the name and address of the
19 registrant, the date of registration, the type of motor vehicle
20 registered, and the type of alternative fuel used to propel the
21 vehicle as indicated on the registration application.

22 (5) The county treasurer or his or her agent shall
23 collect, in addition to the registration fees, one dollar and fifty
24 cents for each certificate issued and shall remit one dollar and
25 fifty cents of each additional fee collected to the State Treasurer
26 for credit to the Department of Motor Vehicles Cash Fund.

27 (6) The county treasurer or his or her agent shall

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1 collect, in addition to other registration fees, fifty cents for
2 each certificate issued and shall remit the fee to the State
3 Treasurer for credit to the Nebraska Emergency Medical System
4 Operations Fund.

5 (7) The county treasurer or his or her agent shall
6 collect, in addition to other registration fees, one dollar and
7 fifty cents for each certificate issued and shall remit the fee to
8 the State Treasurer for credit to the State Recreation Road Fund.

9 (8) If a citation is issued to an owner or operator of a
10 vehicle for a violation of this section and the owner properly
11 registers and licenses the vehicle not in compliance and pays all
12 taxes and fees due and the owner or operator provides proof of such
13 registration to the prosecuting attorney within ten days after the
14 issuance of the citation, no prosecution for the offense cited
15 shall occur.

16 (9) If a county board consolidates services under the
17 office of a designated county official other than the county
18 treasurer pursuant to section 23-186, the powers and duties of the
19 county treasurer relating to registration under sections 60-301 to
20 60-347 shall be performed by the designated county official.

21 (10) A county treasurer or county official or his or her
22 agent may accept credit cards, charge cards, ~~ex~~ debit cards, or
23 electronic funds transfers as a means of payment for registration
24 pursuant to section 13-609.

25 Sec. 4. Section 60-6,322, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 60-6,322. (1) Application for registration shall be made

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1 to the county treasurer in such form as the Director of Motor
2 Vehicles prescribes and shall state the name and address of the
3 applicant, state a description of the snowmobile, including color,
4 manufacturer, and identification number, and be signed by at least
5 one owner. Application forms shall be made available through the
6 county treasurer's office of each county in this state. Upon
7 receipt of the application and the appropriate fee as provided in
8 section 60-6,323, the snowmobile shall be registered by the county
9 treasurer and a numbered decal shall be provided which shall be
10 affixed to the upper half of the snowmobile in such manner as the
11 director prescribes. Snowmobiles owned by a dealer and operated
12 for demonstration or testing purposes shall be exempt from affixing
13 numbered decals to the snowmobile but are required to carry a valid
14 numbered decal with the snowmobile at all times.

15 (2) If a county board consolidates services under the
16 office of a designated county official other than the county
17 treasurer pursuant to section 23-186, application shall be made to
18 and forms shall be made available through the office of the
19 designated county official and the designated county official shall
20 register snowmobiles and issue the numbered decal as provided in
21 this section.

22 (3) A county treasurer or county official or his or her
23 agent may accept credit cards, charge cards, ~~or~~ debit cards, or
24 electronic funds transfers as a means of payment for registration
25 pursuant to section 13-609.

26 Sec. 5. Section 77-1702, Revised Statutes Supplement,
27 2000, is amended to read:

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1 77-1702. State warrants are receivable for the amount
2 payable into the state treasury on account of tax levied for
3 general state purposes. County warrants are receivable for the
4 amount payable into the county treasury for general purposes. City
5 warrants shall be received for the city general tax, village
6 warrants for the village general tax, and town warrants for the
7 town general tax. State, city, village, or township taxes, levied
8 for other special purposes, may be paid by warrants drawn and
9 payable out of the particular fund on account of which they are
10 tendered. Lawful money of the United States, checks, drafts,
11 credit cards, charge cards, debit cards, money orders, electronic
12 funds transfers, or other bills of exchange may be accepted in
13 payment of any state, county, village, township, school district,
14 or other governmental subdivision tax, levy, excise, duty, custom,
15 toll, penalty, fine, license, fee, or assessment of whatever kind
16 or nature, whether general or special.

17 Sec. 6. Section 81-118.01, Revised Statutes Supplement,
18 2000, is amended to read:

19 81-118.01. (1) Any state official or state agency may
20 accept credit cards, charge cards, or debit cards, whether
21 presented in person or electronically, or electronic funds
22 transfers as a method of cash payment of any tax, levy, excise,
23 duty, custom, toll, interest, penalty, fine, license, fee, or
24 assessment of whatever kind or nature, whether general or special,
25 as provided by section 77-1702.

26 (2) The total amount of such taxes, levies, excises,
27 duties, customs, tolls, interest, penalties, fines, licenses, fees,

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1 or assessments of whatever kind or nature, whether general or
2 special, paid for by credit card, charge card, ~~or~~ debit card, or
3 electronic funds transfer shall be collected by the state official
4 or state agency.

5 (3) Any state official or state agency operating a
6 facility in a proprietary capacity may choose to accept credit
7 cards, charge cards, or debit cards, whether presented in person or
8 electronically, or electronic funds transfers as a means of cash
9 payment, and may adjust the price for services to reflect the
10 handling and payment costs.

11 (4) The state official or state agency shall obtain, for
12 each transaction, authorization for use of any credit card, charge
13 card, or debit card used pursuant to this section from the
14 financial institution, vending service company, credit card or
15 charge card company, or third-party merchant bank providing such
16 service.

17 (5) The types of credit cards, charge cards, or debit
18 cards accepted and the payment services provided for any state
19 official or state agency shall be determined by the State Treasurer
20 and the Director of Administrative Services with the advice of the
21 committee convened pursuant to subsection (5) of section 13-609.
22 The State Treasurer and the director shall contract with one or
23 more credit card, charge card, or debit card companies or
24 third-party merchant banks for services on behalf of the state and
25 those counties, cities, and political subdivisions that choose to
26 participate in the state contract for such services. Any
27 negotiated discount, processing, or transaction fee imposed by a

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1 credit card, charge card, or debit card company or third-party
2 merchant bank shall be considered, for purposes of this section, as
3 an administrative expense.

4 (6) A state official or state agency obtaining, for each
5 transaction, authorization for use of any credit card or charge
6 card used pursuant to this section may, but is not required to,
7 impose a surcharge or convenience fee upon the person making a
8 payment by credit card or charge card so as to wholly or partially
9 offset the amount of any discount or administrative fees charged to
10 the state agency, but the surcharge or convenience fee shall not
11 exceed the surcharge or convenience fee imposed by the credit card
12 or charge card companies or third-party merchant banks which have
13 contracted under subsection (5) of this section. The surcharge or
14 convenience fee shall be applied only when allowed by the operating
15 rules and regulations of the credit card or charge card involved or
16 when authorized in writing by the credit card or charge card
17 company involved. When a person elects to make a payment to a
18 state agency by credit card or charge card and such a surcharge or
19 convenience fee is imposed, the payment of such surcharge or
20 convenience fee shall be deemed voluntary by such person and shall
21 be in no case refundable. If a payment is made electronically by
22 credit card, charge card, debit card, or electronic funds transfer
23 as part of a system for providing or retrieving information
24 electronically, the state official or state agency shall be
25 authorized but not required to impose an additional surcharge or
26 convenience fee upon the person making a payment.

27 (7) For purposes of this section, electronic funds

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1 transfer means the movement of funds by nonpaper means, usually
2 through a payment system, including, but not limited to, an
3 automated clearinghouse or the Federal Reserve's Fedwire system.

4 Sec. 7. Original sections 13-609 and 60-6,322, Reissue
5 Revised Statutes of Nebraska, sections 33-101, 77-1702, and
6 81-118.01, Revised Statutes Supplement, 2000, and section 60-302,
7 Revised Statutes Supplement, 2001, are repealed.".

8 2. Renumber the remaining section accordingly.